



OWNER/RELATIVE OCCUPANCY NO-FAULT RELOCATIONS

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Landlords in the City of West Hollywood may not terminate tenancies without cause. Cause may include at-fault evictions such as failing to pay the rent, causing a nuisance, using the unit for illegal purposes, violating terms of the lease, failing to provide the landlord with reasonable access, sub-leasing the unit without the landlord's approval, etc. Tenants may also be relocated through no fault of their own for certain reasons such as owner/relative occupancy, removal of a property from the rental market, foreclosure, orders by a government agency to eradicate or remove a unit or property from residential use, etc.

Can a tenant be evicted if a landlord wants to move into a unit?

Under the West Hollywood Rent Stabilization Ordinance, a landlord may relocate a tenant if the landlord or if a specified immediate relative plans to move into the unit within ninety days of the tenant's move-out and to live in it for at least 12 months consecutively. The relative must be a spouse, child, grandchild, parent, grandparent, or sibling of the qualifying owner. If there is more than one unit on the parcel, the landlord must choose the most recent tenant in the unit with the number of bedrooms they need. Otherwise they must demonstrate a *physical* need for amenities that are not available in a similar-sized unit with a more recent tenant. The tenant may request the right of first refusal to move back into the unit once the owner or the relative vacate it.

Can a landlord displace more than one tenant in the building?

A landlord may evict a tenant for owner or relative occupancy only once in a six-year period, whether or not there is a change of ownership, unless the building is a duplex. The duplex must be a building with two *attached* units that are the only units on the entire parcel. If two persons *purchased the duplex together and each buyer owns 50 percent of the building*, then each one may evict a tenant if they want to occupy the unit for their own use - not for a relative-occupancy.

If the landlord is a corporation, can the corporation evict a tenant for owner or relative occupancy?

No. In order to evict a tenant for owner-occupancy, the landlord must be an individual, not a corporation, who has legal title to at least 50 percent of the property.

Are Any Tenants Protected From Being Relocated for Owner- or Relative-Occupancy?

Yes. Terminally ill tenants may not be relocated for owner/relative occupancy.

How much notice must be given if a tenant is to be evicted?

The landlord must give the tenant at least sixty (60) days written notice that either the landlord or his/her specified immediate relative plans to occupy the unit for at least one

year. A relocation fee must be paid at the time of notice.

What information must be included in the 60-day notice to the tenant?

The landlord must use a notice approved by the Division, signed under penalty of perjury. The notice specifies the names and current addresses of all the persons moving in and, if not the landlord, their relationship to the landlord. The notice must also indicate the rent paid at the time of notice and the number of bedrooms chosen. It must inform the tenant how to obtain the right of first refusal to move back in. If the landlord or relative has a physical need for amenities in a unit other than that of the most recent tenant, the landlord must state the amenities and include a physician's statement regarding the need for the amenities.

Can a tenant be evicted if a comparable unit becomes vacant?

If the vacant unit has the same number of bedrooms and amenities as the unit of the tenant being relocated, the landlord must withdraw the relocation. The tenant must return the relocation fee to the landlord in this case.

If a tenant is evicted are they entitled to a relocation fee?

Yes, if the eviction is a no-fault eviction such as an eviction for owner/relative occupancy, relocation fees must be paid. The 60-day written notice to vacate is not valid if the fee is not paid when the notice is served. This fee cannot be waived.

How much is the relocation fee?

When an owner is relocating a tenant for owner/relative occupancy, relocation fees must be paid at the time of notice. Refer to the attached relocation fee guide for information on the required fee amount.

Must the landlord file anything with the City?

The landlord must file a copy of the notice to the tenant and a "Tenant Relocation Counseling Assistance Form" with the Rent Stabilization and Housing Division. The Division has ten days to check whether the notices meet the Ordinance's standards for relocating a tenant. The Division may revoke this approval if after notifying tenant and landlord, it determines that approval was granted based on false or misleading information.

What happens if the tenant refuses to move at the end of sixty (60) days, when they have been given proper notice and the relocation fee?

If the tenant does not vacate the unit within the sixty (60) day period, they may be taken to court for eviction. In addition, the tenant may have to refund the relocation fees paid by the landlord.

Can a landlord evict a tenant if they need to occupy a unit for medical reasons?

The Ordinance permits a landlord who lives in one unit on the property to exchange units with a tenant in another unit if a licensed physician certifies that the landlord has certain physical or medical requirements or needs full-time medical assistance which requires the use of a different unit's amenities. Other special provisions apply in this circumstance and parties are encouraged to contact an Information Coordinator in the Division.

Is the Rent Decontrolled During Vacancy When the Landlord Moves Out?

No, following a notice by a landlord to terminate a tenancy unilaterally for no fault of the tenant, the unit is not decontrolled during the vacancy after the landlord moves out. The current Maximum Allowable Rent will still be the basis for the rent. If the relocated tenant requested the right of first refusal to move back into the unit, the landlord must contact the tenant before putting the unit on the market. The landlord must also notify the City that the unit is going back onto the rental market.

Need Further Assistance?

If you have any questions please contact the Rent Stabilization and Housing Division by calling (323)848-6450 during normal business hours: Monday - Thursday, 8:00 a.m. to 5:00 p.m. and Fridays 8:00 a.m. to 4:30 p.m., or visit the City's website at www.weho.org.

The Rent Stabilization Ordinance is amended periodically. Tenants and landlords are encouraged to contact the West Hollywood Rent Stabilization & Housing Division for the most current version of the Ordinance.